

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LOREN LEISER,

Plaintiff,

v.

Case No. 20-CV-123

KIRA LABBY, et al.,

Defendants.

ORDER

Plaintiff Loren Leiser, who is representing himself, is proceeding on claims of deliberate indifference against seventeen defendants. Fourteen of the defendants are or were employees of the State of Wisconsin and are represented by the Wisconsin Department of Justice (WDOJ). Those defendants were served with Leiser's amended complaint under an informal service agreement the court has with the WDOJ. The other three defendants (Lynnae Sievert, Kim Mangin, and Darlene Wilkey) worked for an agency that contracts with the State. Because they were not State employees, the WDOJ is not representing them.

On, May 29, 2020, the court transmitted Leiser's amended complaint, the screening order, notice, and a waiver to the U.S. Marshals Service for service upon Sievert and Mangin. A couple of months later, the court transmitted those same documents to the U.S. Marshals Service for service on Wilkey. On July 23, 2020, the marshals notified the court that neither Sievert nor Mangin returned or filed a signed

waiver. That same day, the court issued a summons as to those defendants, which it transmitted to the U.S. Marshals Service for service upon them. The marshals have not indicated whether they served the summons upon Sievert or Mangin, nor have they indicated whether Wilkey executed the waiver.

On September 16, 2020, Leiser filed a motion to have the marshals serve his amended complaint on Sievert and Mangin. He highlights that it has been four months since the State defendants were served. He says he needs to serve discovery on Sievert and Mangin, but there is no indication they have been served with his amended complaint, and he has no way to contact them. The court will deny his motion as moot. As explained, the court has already transmitted Leiser's amended complaint to the marshals for service on Sievert, Mangin, and Wilkey.

The marshals are very busy, and the current pandemic has introduced additional challenges that make an already difficult task more complicated. The court will follow up with the marshals to learn the status of serving Sievert, Mangin, and Wilkey. The court encourages Leiser to be patient. Once they are served and respond to Leiser's amended complaint, the court will set a separate discovery deadline for those defendants to ensure that they and Leiser have ample opportunity for discovery. For now, Leiser should focus his efforts on completing discovery with the State defendants. The current discovery deadline as to those defendants is November 13, 2020. The court will vacate the December 14, 2020 dispositive motion deadline and will set a new dispositive motion deadline for all the parties after Sievert, Mangin, and Wilkey respond to Leiser's amended complaint.

IT IS THEREFORE ORDERED that Leiser's motion to have federal marshals serve his complaint (ECF No. 25) is **DENIED as moot**.

IT IS FURTHER ORDERED that the dispositive motion deadline is **VACATED**. The court will set a new dispositive motion deadline for all the parties after Sievert, Mangin, and Wilkey respond to Leiser's amended complaint.

Dated in Milwaukee, Wisconsin, this 21st day of September, 2020.

BY THE COURT:
s/Nancy Joseph

NANCY JOSEPH
United States Magistrate Judge